UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,574	04/11/2006	Egidius G.P. Van Doren	US030410	1360

24737 7590 08/18/2009

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER	
RUTLEDGE, AMELIA L	

ART UNIT	PAPER NUMBER
2176	

MAIL DATE	DELIVERY MODE
08/18/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/575,574	VAN DOREN, EGIDIUS G.P.	
	Examiner	Art Unit	
	AMELIA RUTLEDGE	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 April 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11 April 2006* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *4/11/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the following communications: original application, filed 04/11/2006; Information Disclosure Statement, filed 04/11/2006.

2. Claims 1-17 are pending. Claims 1 and 12 are independent claims.

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawing figure elements are blank in Figures 1-4. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 12-17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding independent claim 12, claim 12 recites: "*An adaptive device, comprising: at least one adaptable characteristic having at least one setting and at least one learning heuristic for the determination of said at least one setting, said heuristic having an enable/disable mode...*" Claim 12 is directed to non-statutory subject matter

because the claimed device may be interpreted as being directed to software *per se*, because none of the claim limitations require the claimed invention to be implemented with computer hardware, therefore the claimed invention may be interpreted as non-statutory under 35 USC 101.

Regarding dependent claims 13-17, claims 13-17 add no limitations which would render the claimed invention statutory.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoffberg, et al. ("Hoffberg"), U.S. Patent No. 5,875,108, issued February 1999.

Regarding independent claim 1, Hoffberg discloses *a method for configuring an adaptive device according to user needs, comprising: providing at least one adaptable characteristic having at least one setting and at least one learning heuristic for the determination of said at least one setting, said heuristic having an enable/disable mode*; because Hoffberg teaches an adaptive user interface which learns user preferences and matches patterns of user interaction (Fig. 15; Fig. 21; Fig. 31; col. 27, l. 8-54; col. 29, l. 39-col. 30, l. 28). Hoffberg teaches that the context sensitive user

interfaces may be overridden, i.e., enable/disable mode, and reviewed to be set to a previously input mode (col. 107, l. 50-col. 109, l. 30; col. 110, l. 18-41).

Hoffberg teaches *initializing said at least one setting to a previously learned user preference and said enable/disable mode to a previously input mode, if any, or respectively to pre-determined default preference setting and mode setting*, because Hoffberg teaches a dynamic user preference profile determination based on implicit or explicit desires of the user, or on a sensor array using pattern recognition (col. 34, l. 4-50). Hoffberg teaches that the context sensitive user interfaces may be overridden, i.e., enable/disable mode, and reviewed to be set to a previously input mode (col. 107, l. 50-col. 109, l. 30; col. 110, l. 18-41).

Hoffberg teaches *otherwise; for said at least one adaptable characteristic, continuously performing the steps of: (i) accepting a first user input for said at least one setting and a second user input for the enable/disable learning mode for said at least one learning heuristic of said at least one setting*, because Hoffberg teaches adaptively determining a user preference based on a user profile, including first and subsequent user inputs (col. 37, l. 3-col. 38, l. 39). Hoffberg teaches storing and editing user preferences (col. 77, l. 60-col. 78, l. 55; col. 80, l. 47-col. 82, l. 40), because Hoffberg teaches that a user is presented with a list of predicted choices, i.e., stored preferences, and may reject or edit the list of preferences.

Hoffberg teaches *(ii) based on said second user input, determining a user preference as - the accepted first user input if said mode is disable learning, and - a learned user preference derived by application of the at least one learning heuristic to*

the accepted first user input, because Hoffberg teaches continuously learning user preferences as the interface is used (col. 107, l. 50-col. 109, l. 30; col. 110, l. 18-41).

Hoffberg teaches *otherwise, and (iii) making the at least one setting equal to the determined user preference*. Hoffberg teaches an adaptive user interface which learns user preferences and matches patterns of user interaction (Fig. 15; Fig. 21; Fig. 31; col. 27, l. 8-54; col. 29, l. 39-col. 30, l. 28).

Regarding dependent claim 2, Hoffberg teaches the method of claim 1, further comprising the steps of: providing a user interface for user input and device output; and said continuously accepting step (i) further comprises the step of accepting the first and second user input via said provided user interface (col. 50, l. 5-65).

Regarding dependent claim 3, Hoffberg teaches the method of claim 2, further comprising the step of providing said user interface device as: an output mechanism comprising at least one of a text display, audio device, video device, a beeping device, and a flashing device, and

an input mechanism comprising at least one of a microphone, button, slider, touchpad, touchscreen, pen device, camera, sensor and keyboard (col. 50, l. 5-65), because Hoffberg teaches a text display, video device, camera, sensor, and keyboard.

Regarding dependent claim 4, Hoffberg teaches the method of claim 1, wherein: said initializing step further comprises the steps of- receiving a unique user identifier, and searching a memory on-board the device for at least one previously learned user preference for the at least one setting of the at least one adaptable characteristic corresponding to the received user identifier; and said learning step further comprises

the step of storing in the on-board memory of the device said learned user preference identified by said unique user identifier for said at least one setting of the at least one adaptable characteristic (col. 50, l. 5-65).

Regarding dependent claim 5, Hoffberg teaches the method claim 4, wherein said storing step further comprises the steps of: providing a stored user profile corresponding to the received user identifier; and storing said learned user preference including a preference level as part of said provided user profile and having the preference level set to 'most preferable'; because Hoffberg teaches storing and editing user preferences (col. 77, l. 60-col. 78, l. 55; col. 80, l. 47-col. 82, l. 40), because Hoffberg teaches that a user is presented with a list of predicted choices, i.e., stored preferences, and may reject or edit the list of preferences.

Regarding dependent claim 6, Hoffberg teaches the method claim 5, further comprising the steps of: providing a user interface for user input and device output; and said continuously accepting step (i) further comprises the step of accepting the first and second user input via said provided user interface, (col. 50, l. 5-65), because Hoffberg teaches a text display, video device, camera, sensor, and keyboard.

Regarding dependent claim 7, Hoffberg teaches the method of claim 6, further comprising the step of providing said user interface device as an output mechanism comprising at least one of a text display, audio device, video device, a beeping device, and a flashing device, and an input mechanism comprising at least one of a microphone, button, slider, touchpad, touchscreen, pen device, camera, sensor and

keyboard, (col. 50, l. 5-65), because Hoffberg teaches a text display, video device, camera, sensor, and keyboard.

Regarding dependent claim 8, Hoffberg teaches the method of claim 6, wherein said accepting step(i) further comprises the steps of: selecting a previously stored preference for said at least one setting; optionally, editing said selected previously stored preference; and inputting as said first user input said edited preference, because Hoffberg teaches storing and editing user preferences (col. 77, l. 60-col. 78, l. 55; col. 80, l. 47-col. 82, l. 40), because Hoffberg teaches that a user is presented with a list of predicted choices, i.e., stored preferences, and may reject or edit the list of preferences.

Regarding dependent claim 9, Hoffberg teaches the method claim 4, further comprising the steps of: providing a user interface for user input and device output to the user; and said continuously accepting step (i) further comprises the step of accepting the first and second user input via said provided user interface, (col. 50, l. 5-65), because Hoffberg teaches a text display, video device, camera, sensor, and keyboard.

Regarding dependent claim 10, Hoffberg teaches the method of claim 9, wherein said accepting step (i) further comprises the steps of: selecting a previously stored preference for said at least one setting; optionally, editing said selected previously stored preference; and inputting as said first user input said edited preference, because Hoffberg teaches storing and editing user preferences (col. 77, l. 60-col. 78, l. 55; col. 80, l. 47-col. 82, l. 40), because Hoffberg teaches that a user is presented with a list of predicted choices, i.e., stored preferences, and may reject or edit the list of preferences.

Regarding dependent claim 11, Hoffberg teaches the method of claim 9, further comprising the step of providing said user interface device as: an output mechanism comprising at least one of a text display, audio device, video device, a beeping device, and a flashing device, and an input mechanism comprising at least one of a microphone, button, slider, touchpad, touchscreen, pen device, camera, sensor and keyboard, (col. 50, l. 5-65), because Hoffberg teaches a text display, video device, camera, sensor, and keyboard.

Regarding independent claim 12, Hoffberg teaches *an adaptive device, comprising: at least one adaptable characteristic having at least one setting and at least one learning heuristic for the determination of said at least one setting, said heuristic having an enable/disable mode*; because Hoffberg teaches an adaptive user interface which learns user preferences and matches patterns of user interaction (Fig. 15; Fig. 21; Fig. 31; col. 27, l. 8-54; col. 29, l. 39-col. 30, l. 28). Hoffberg teaches that the context sensitive user interfaces may be overridden, i.e., enable/disable mode, and reviewed to be set to a previously input mode (col. 107, l. 50-col. 109, l. 30; col. 110, l. 18-41).

Hoffberg teaches *an heuristic component configured to: set said at least one characteristic to at least one previously learned user preference and said enable/disable mode to a previously input mode, if any, or respectively to a pre-determined default preference setting and mode setting*, Hoffberg teaches adaptively determining a user preference based on a user profile, including first and subsequent user inputs (col. 37, l. 3-col. 38, l. 39). Hoffberg teaches storing and editing user preferences (col. 77, l. 60-

col. 78, l. 55; col. 80, l. 47-col. 82, l. 40), because Hoffberg teaches that a user is presented with a list of predicted choices, i.e., stored preferences, and may reject or edit the list of preferences as well as a default mode from the organization. Hoffberg also teaches using templates having a default mode (Fig. 27).

Hoffberg teaches *otherwise; continuously receive a first user input for said at least one setting and a second user input for the enable/disable learning mode of the at least one learning heuristic of said at least one setting; and reset said at least one setting to the first user input*; Hoffberg teaches that the context sensitive user interfaces may be overridden, i.e., enable/disable mode, and reviewed to be set to a previously input mode (col. 107, l. 50-col. 109, l. 30; col. 110, l. 18-41).

Hoffberg teaches *a learning module that, if said second user input is enable mode, is configured to learn a user preference for said at least one setting from the first user input according to said at least one learning heuristic of said at least one setting*, because Hoffberg teaches an adaptive user interface which learns user preferences and matches patterns of user interaction (Fig. 15; Fig. 21; Fig. 31; col. 27, l. 8-54; col. 29, l. 39-col. 30, l. 28).

Regarding dependent claims 13-17, claims 13-7 are directed to the apparatus for implementing the methods claimed in dependent claims 2-6 and 8, respectively, and are rejected along a similar rationale.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Elad, et al.	U.S. Patent No. 7,092,928	issued	August 2006
Chai, et al.	U.S. Patent No. 6,829,603	issued	December 2004

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMELIA RUTLEDGE whose telephone number is (571)272-7508. The examiner can normally be reached on Monday - Friday 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Amelia Rutledge/
Primary Examiner, Art Unit 2176